



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2501739
Applicant Name: Andrew Novion for Asar Limited Liability Company
Address of Proposal: 2432 Southwest Holden Street
Clerk File Number: 307325

SUMMARY OF PROPOSED ACTION

Council Land Use Action to divide one parcel of land into 30 unit lots (Unit Lot Full Subdivision). Unit lots will vary in size from 1,141.4 sq. ft. to 1,977.5 sq. ft. Environmental (SEPA) review for the unit lot full subdivision of 30 townhouse units was reviewed and approved under project number 2309000. Construction of the 30 townhouse units is being reviewed under project number 2500530.

The following approvals are required:

Full Subdivision – To subdivide five parcels into 24 unit lots.
(23.22, Seattle Municipal Code)

SEPA DETERMINATION: ☒ Exempt* ☐ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction

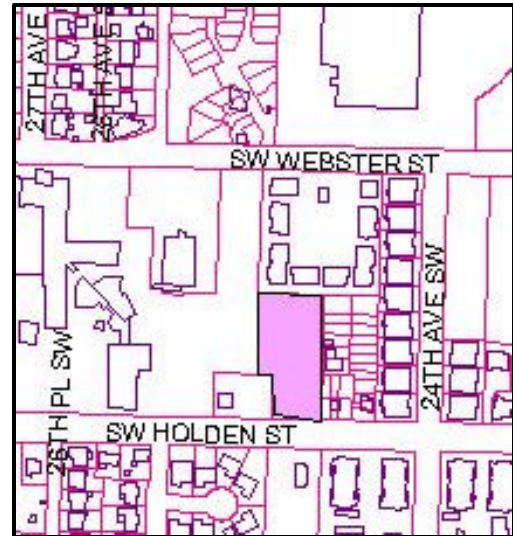
*Environmental Review conducted under MUP #2309000, which established the use for this development proposal.

BACKGROUND DATA

Site & Area Description

The subject site is located along the north side of Southwest Holden Street, between 28th Avenue Southwest to the west and 24th Avenue Southwest to the east, on the east third of the block in the West Hill neighborhood of West Seattle. The existing site encompasses a land area of

approximately 44,917.5 square feet, in a Multifamily Lowrise Two (L2) zone, with a minimum density limit of one unit per 1,200 square feet of lot area. The site is nearly rectangular in shape, with a rectangle shaped notch cut away at the property's southwest corner. The subject site is heavily vegetated with a moderate downward slope from west to east. The vacant lot with its stand of mature (deciduous and coniferous) trees and shrubs, that provides a green belt appearance for the adjacent properties. Under construction project (#2500530) the proposal retained the maximum number of existing trees to accommodate the site development. The abutting right-of-way, Southwest Holden Street, is fully improved with sidewalk, gutters, etc., and is the primary access to the development site.



The site contains an unmapped Environmentally Critical Areas (ECA) 40% Steep Slope. The applicant subsequently applied for and was granted an exemption from ECA review standards (#2401934) due in part to right-of-way improvements along SW Holden Street. An application to establishing use for future construction of 30 units was reviewed and approved under State Environmental Policy Act (SEPA), project number 2309000. At the time of this decision a related construction permit application is currently under review to develop the site with 15 two-unit townhouse structures under project number 2500530. The approved three-story townhouse structures will obtain vehicle access to the development site through a shared driveway easement to Southwest Holden Street along the south property line.

In 1989 – 1990, the abutting development site to the west, containing West Seattle Community Hospital was granted a Property Use and Development Agreement (PUDA) to remove the designation of major institution and rezone its campus to C1 zone with structure height limits which vary by location on the site. The lowest height limit of 30 feet rings the site's perimeter to provide a bulk and scale buffer for the surrounding properties. The applicant purchased a portion of the West Seattle Community Hospital site and subsequently applied for and was approved to segregate the Hospital site through a Lot Boundary Adjustment (Project #2400752) process. However, the underlying C1 zoning designation did not change.

The applicant appealed directly to the City Council to remove the Commercial zoning classification, and through City Ordinance #121610, the subject site has been reclassified to Multifamily Lowrise Two zone development standards. The development site is predominately located in an expansive residential area, except for the abutting Highline West Seattle Mental Health Center (formally West Seattle Community Hospital site) as previous mentioned. Zoning and existing development in the surrounding area is predominately Multifamily and Single family residential uses. To the north across SW Webster Street, to the west across 28th Avenue SW, and south across SW Holden Street, Single Family 5000 stretches forth a great distance. The housing stock in the immediate area is a mix of post World War II, one and two-story homes. Abutting the site to the east is a swatch of L2 zone, stretching east to Delridge Way SW. Apartments and town homes are clustered around the SW Holden Street from the development site and Delridge Way SW to the east. The development site is located on the east side of a hill overlooking Delridge Way SW.

Proposal

The applicant proposes to create 30 unit lots from an existing rectangular shape development site which is currently under construction review (Project #2500530). Fifteen residential structures, containing a total of 30 townhouse units will be built at the development site. Each townhouse structure would be developed with two (2) units within each structure on 30 individual unit lots that range in size from 1,141.4 sq. ft. to 1,977.5 sq. ft. (please refer to sheet 3 of plat map for detailed parcel square footage). Each unit lot will contain private usable open spaces that will be landscaped. Landscaping within the parent lot will include existing and new trees and shrubbery meeting Code requirements. As referenced, the Southwest Holden Street ROW would be developed to full right-of-way improvements.

Under associated project number 2500530 the development site is proposed to be cleared to make way for construction of fifteen, two-unit townhouse structures, for a total of 30 units. Accessory parking is provided within most of the units with an additional ten (10) parking spaces provided at grade, adjacent to the proposed structures. The proposed townhouse structures are designed to be three-story structures with an east/west orientation fronting Southwest Holden Street. Primary vehicle access to the development site will be off Southwest Holden Street. This full unit lot subdivision would create thirty (30) separate unit lots only for the purpose of allowing sale or lease of the individual unit lots for each of the dwelling units on the one parent lot (or development site).

Public Comment:

Date of Notice of Application: April 28, 2005
Date End of Comment Period: May 11, 2005

Letters 0

Issues: No comment letters were received for this project.

Procedures for Preliminary Plat Approval

Analysis and Recommendation of the Director - The Land Use Code (Section 23.76.023) requires the Director of DPD to prepare a written report for a proposed preliminary plat. The Code calls for the Director's report to include the following:

1. *The written recommendations/comments of City departments and other governmental agencies;*
2. *Responses to written comments submitted by interested citizens;*
3. *An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with the applicable goals and objectives of Seattle's Land Use and other applicable policies;*
4. *An environmental determination/decision; and*
5. *The Director's recommendation.*

The Director's report is submitted to the Hearing Examiner and made available for public inspection for at least thirty (30) days prior to the Hearing Examiner's public hearing.

Hearing Examiner Findings and Conclusions - The Land Use Code Section 23.76.024 requires that the Hearing Examiner conduct a public hearing on the subdivision application (including the proposed Unit subdivision). The Hearing Examiner can approve the proposal if it is determined that the proposed plat makes appropriate provision for the public health; safety and general welfare; open spaces; drainage ways; streets, alleys, other public ways; water supplies; sanitary waste disposal; fire protection; parks; playgrounds; sites for schools and school grounds; and that the public use and interest will be served by the platting of the subdivision. If the Hearing Examiner determines that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, the proposed plat may be denied. After the hearing, the Hearing Examiner will make his/her decision which is final on the preliminary subdivision.

Council Action - The Council review process changed in March, 1996 in response to regulatory reform legislation and made the approval of preliminary plats or subdivisions a Hearing Examiner decision. A formal action to approve the final plat is still the responsibility of the City Council as provided by RCW 58.17. However, the Council does not hold a public meeting for the purpose of accepting testimony. After the Hearing Examiner approves the preliminary plat, the Council reviews for its approval of the final plat.

DIRECTOR'S ANALYSIS – SUBDIVISION

1. Recommendations and Comments by City Departments and Other Government Agencies Having an Interest in the Application

The following represents a summary of the comments received from the agencies indicated. Information and documentation from each review agency is available in the DPD project file. This review is required per SMC 23.22.024, with plans and supporting information distributed to each department.

A. Director Seattle Department of Transportation (SDOT)

1. SDOT recommended approval. Under related project (#2500530) the applicant submitted plans for review and approval for Right-of-Way (ROW) improvements. SDOT recommends approval of the preliminary Subdivision for this project and accepted plans for approval under SDOT Project number T05-2711.

B. Director of Seattle Public Utilities (SPU)

SPU recommended approval. This area is served with domestic water and sanitary sewer facilities by the City of Seattle. Availability of service was approved subject to standard conditions of utility extension. The full unit lot subdivision application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (#2005-0646) was approved and issued on May 3, 2005.

C. Superintendent of Seattle City Light

Seattle City Light recommended approval of the proposal subject to an easement for electrical facilities to provide power to the proposed unit lots. The easement

document is identified as “Plat of Valtera Townhouses to the City of Seattle.” (Full legal description attached below as Attachment A). The required easements are included as Condition #4 at the end of this document. Subject to the required easements, SCL approves this unit lot subdivision.

D. Chief, Fire Department

The Fire Department recommended approval with the following condition:

1. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility, or as otherwise required by the Fire Marshal.

E. Director of Public Health

The Director of Public Health approves the plans as submitted with no further comments.

F. Director of Housing

The Director of Housing recommended approval, stating that they have no comments on this project.

G. Superintendent of Parks and Recreation

The Superintendent of Parks and Recreation has concluded that they have no comments associated with this project.

H. Metropolitan Services Department

The Metropolitan Services Department has recommended approval.

I. Other Governmental Agencies

No comments were made on the proposal by other governmental agencies.

2. Responses to Written Comments of Interested Citizens

No comment letters were submitted to DPD.

3. Evaluation of the Proposal Pursuant to Applicable Codes

Land Use Code:

All of the proposed unit lots have been reviewed under Multifamily Lowrise Two (L-2) development standards, with a minimum density limit of one unit per 1,200 square feet of lot area. The proposed lots range in size from 1,141.4 sq. ft. to 1,977.5 sq. ft. DPD found that the proposed 30-unit townhouse development (MUP #2309000) met the underlying density requirements and other Land Use Code development standards applicable to the proposal. Townhouses are defined in SMC, 23.84.38 and states in part: “Means a form of ground-related housing in which individual dwelling units are attached along at least one (1)

common wall to at least one (1) wall of another unit. Each dwelling unit occupies space from the ground to the roof and has direct access to open space.” All thirty units share at least one common wall. Retention of existing trees and planting of new vegetation was analyzed and approved under the related construction permit. The development site meets all applicable open space and landscaping requirements.

SMC 23.22.062 (Unit lot subdivisions) requires that the development as a whole shall meet development standards of the underlying zone, which this proposal does, but further provides that development on individual unit lots may be non-conforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

The lot configuration depicted on the proposed preliminary plat provides sufficient building area, vehicle access to accessory parking to permit construction of fifteen two-unit townhouse structures containing a total of thirty units on the parent lot. The site plan depicts a development proposal meeting spatial requirements approved under MUP #2309000, consistent with the stated provisions of the Land Use Code.

SMC 23.22.062 F states: *the fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the King County Department of Records and Elections.* This notation is not included on the face of the preliminary plat but will be included on the face of the plat for filing. In addition, a note to this effect will be included in the ‘*Declaration of Protective Covenant, Restriction, Easements and Reservations for "Plat of Valtera Townhouses" and Any Subsequent Divisions, Article 15.2, Subdivision or Combination.*’

Policy Compliance – Seattle Comprehensive Plan:

As previously discussed, the City Council to remove the Commercial zoning classification, and through City Ordinance #121610, the subject site has been reclassified to Multifamily Lowrise Two zone development standards. Zoning and existing development in the surrounding area is predominately Multifamily and Single family residential uses, therefore evaluation will be based on Multifamily Policies.

The City of Seattle is committed to achieve diverse Multifamily Residential Areas, by balancing the objective to increase opportunities for new housing development to ensure adequate capacity for future housing need with the equally important objective of ensuring that new development is compatible with neighborhood character. However, in order to encourage diverse housing types in multifamily zones three density levels have been established; low, moderate, and high density with a variety of scales and configurations to achieve City goals. The development site is located within the multifamily low density classification. One stated policy, (L94) is to provide opportunities for attached housing at slightly higher density than single family areas in low density multifamily zones. Additionally, L95 seeks to maintain compatibility with single family development through limits on the permitted height and bulk of new developments. The unit lot subdivision provides opportunities for individual ownership of thirty townhouses on a circumscribed area

of land for each unit. The construction of the thirty townhouse units is anticipated to begin within the a few months and the unit lot subdivision would be in keeping with multifamily goals and policies.

This proposal site is located in an area designated by the City Council and Comprehensive Plan as being generally appropriate for multifamily residential development. The proposed unit lot size and design of the subdivision is relatively consistent with the development pattern in the surrounding multifamily neighborhood with similar type of townhouse developments and meets all of the criteria for the underlying multifamily zoning and applicable elements of the Seattle Comprehensive Plan. As noted above, this area has been designated by the Seattle Comprehensive Plan as being generally appropriate for attached housing at slightly higher densities than single family areas in low density multifamily zoning. The Seattle Comprehensive Plan (SCP) is based in part on the provisions of the Growth Management Act, which mandates that the majority of future growth occur in existing urban areas with adequate capacity for utilities extension, adequate public services, employment opportunities, schools and other urban infrastructure. The proposed subdivision serves to implement the Seattle Comprehensive Plan by providing additional housing within the City of Seattle city limits. All documentation required for preliminary plats specified in SMC Chapter 23.20 has been included with this preliminary plat application. The applicant intends to name the plat, Plat of Valtera Townhouses, as per the title blocks on the drawings. The proposed plat is consistent with the intent of the residential policies by providing new housing in this area of the city.

Public Use and Interest:

Pursuant to SMC 23.22.054, the decision maker must consider all relevant facts to determine whether the public use and interest will be served by the proposed full unit lot subdivision. Additionally, the proposed plat must make appropriate provision for the public health, safety and general welfare by providing for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary waste disposal, fire protection, parks, playgrounds, and sites for schools.

The proposed subdivision relates to an approved project (#2500530) to construct thirty townhouse units. The townhouse development is expected to commence within three months of recommendation to the Hearing Examiner. The only change resulting from the proposed subdivision is that building occupants will now have the opportunity to own their units outright. DPD therefore considers that the proposed subdivision should involve no additional provisions other than conditions identified at the end of this report, improvements required by the Building Code (see project #2500530) and by other departmental reviews. While the proposed subdivision creates no new housing units, DPD considers that it does serve the public interest by facilitating home-ownership within a housing type that is relatively unique for the area, promoting a stability of tenancy in the neighborhood.

The proposed subdivision has been reviewed by interested agencies within the City and outside agencies have had an opportunity to review and comment. Based upon their requirements and the recommendations of DPD, the public use would be served by approving the subdivisions, including that of providing more housing within the city.

Unit Lot Subdivision

The proposal is a unit lot subdivision for townhouses meeting Multifamily L-2 development standards. The proposal satisfies the applicable development standards, contained in SMC 23.45, Subchapter 1, on a parent lot or individual lot basis, as appropriate. Private usable open space meeting the requirements of SMC 23.45.016 is provided on the same lot as the dwelling unit it serves. The project does not include common garage or parking spaces. Appropriate agreements relating to the use and maintenance of common open space shall be executed and recorded prior to the issuance of certificates of occupancy. Parking for each dwelling unit is provided on the parent lot with a majority of the dwelling units containing covered garages.

4. All environmental documentation, including any checklist, EIS or DNS

Environmental Review was conducted under MUP #2309000, which established the use and development for thirty townhouse units and subsequent full subdivision platting action. In that report, DPD conditioned the project based on the impacts disclosed in the environmental documents, and issued a Determination of Nonsignificance with conditions.

5. The Director's recommendation to approve, approve with conditions, or denies the application

As presented in plan sheet set dated March 31, 2005, as submitted to DPD, the Director of DPD recommends approval of the Preliminary Plat under SMC 23.22.028. In addition, the Director also **recommends the approval** of the following **conditions** referenced below.

RECOMMENDED CONDITIONS - FULL SUBDIVISION

*Non-appealable Conditions of Approval Prior to Recording of the **Final** Subdivision Plat:*

The owner(s) and/or responsible party(s) shall:

1. Note on the plat all the conditions listed in this recommendation, as may be modified by the Hearing Examiner.
2. Note on the face of the plat map the following: *"Each unit lot is not a separate buildable lot, and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot"*.
3. Note fire approval for apparatus access roads meeting conditions from Captain Brian K. Shearer, FMO/Engineering, dated 4/22/05. "Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility," or as otherwise required by the Fire Marshal.

4. On the final plat map, note the location of any and all easements for infrastructure improvement and private and public utilities, including the additional Seattle City Light, utility easement language specified in the memo to DPD dated June 2, 2005.
5. Provide emergency egress/ingress easements meeting Building Code requirements for unit facades of the one unit lot that abuts another unit lot. (See red line addressing copy)
6. Note in the Home Owners Association (HOA) agreement, in this case, a "*Declaration of Protective Covenants, Restrictions, Easements and Reservations for Plat of Valtera Townhouses and any Subsequent Division*," for all prospective and actual homeowners to read, the language of the Water Meter Covenant required by Seattle Public Utilities as a condition of approval for the unit lot subdivision.
7. Note in the "Declaration of Protective Covenants...", for all prospective and actual homeowners to read, that per the Seattle Land Use Code "subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot" (SMC 23.24.045C), and "the unit lot is not a separate buildable lot, and ... additional development of the individual unit may be limited as a result of the application of development standards to the parent lot ..." (SMC 23.24.045F).

Signature: (signature on file)
Bradley Wilburn, Land Use Planner
Department of Planning and Development

Date: October 27, 2005

BMW: ga

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